

REMARKS

Claim 1 has been amended by this paper to incorporate the limitations of claim 7. Support for amended claim 1 may be found throughout the specification and in Fig. 3. Claims 7-10 have been cancelled by this paper. Claims 1, 2, 5 and 6 remain pending in this patent application.

Claims 8 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,616,640 to Chen (the “Chen reference”). Claims 8 and 10 have been cancelled by this paper, thereby rendering the rejections moot.

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,830,564 to Gray (the “Grey reference”) in view of U.S. Patent No. 5,201,710 to Caselli (the “Caselli reference”). Claim 1 has been amended to incorporate the limitations of claim 7, thereby rendering the rejections of claims 1 and 2 moot.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Gray reference and the Caselli reference in view of the Chen reference. Claim 5 is dependant upon claim 1, which has been amended to incorporate the limitations of claim 7. As such, the rejection of claim 5 has been rendered moot.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Gray reference and the Caselli reference in view of U.S. Patent No. 5,098,403 to Sampson. Claim 6 is dependant upon claim 1, which has been amended to incorporate the limitations of claim 7. As such, the rejection of claim 6 has been rendered moot.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Gray reference and the Caselli reference in view of U.S. Patent No. 4,573,977 to Crawford (the “Crawford reference”). The rejection is respectfully traversed.

Neither the Gray reference nor the Caselli reference teaches “a liquid-prefilled flexible plastic pouch arranged in the cylindrical barrel, wherein a proximal sharp end of the needle is projected in the cylindrical barrel,” as required by amended claim 1. The Examiner does not dispute this fact.

Rather, the Examiner argues that the Crawford reference teaches “a liquid-prefilled pouch 20 arranged in the cylindrical barrel,” as shown in Fig. 1, “wherein a proximal sharp end of the needle 14 is projected in the cylindrical barrel,” as shown in Fig. 2. (Office action, p. 5.)

Applicants respectfully disagree and submit that the Examiner's argument is based upon an erroneous construction of the Crawford reference.

First, the Crawford reference does not teach or suggest "a liquid-prefilled pouch," as expressly required by amended claim 1. Rather, the Crawford reference discloses a bladder-type syringe 10 including an elongated bladder 20. (Col. 4, ll. 40-42.) The bladder-type syringe 10 is used to collect blood samples in the elongated bladder 20 and, therefore, must be empty (i.e., not prefilled). (Col. 4, ll. 55-59.) Therefore, the elongated bladder 20 of the Crawford reference is not a liquid-prefilled pouch and, indeed, teaches away from a liquid-prefilled pouch.

Second, the Crawford reference does not teach or suggest that "a proximal sharp end of the needle is projected in the cylindrical barrel," as expressly required by amended claim 1. Rather, the Crawford reference discloses a needle assembly that includes "a coupler 15 and a hypodermic needle 16 which has a sharp distal end and a blunt proximal end." (Col. 4, ll. 28-30 (emphasis added).) Furthermore, as shown in Fig. 2, the needle 16 is not projected into the cylindrical barrel.

Nonetheless, the Examiner argues that the Crawford reference discloses a "needle 14" that is projected in the cylindrical barrel. This argument is based upon clear error. Specifically, numeral 14 of the Crawford reference designates a slip-tip, not a needle. (Col. 4, ll. 25-28.)

Accordingly, it is submitted that the Crawford reference fails to teach or suggest a disposable injector syringe including, among other things, (1) a liquid-prefilled pouch and (2) a proximal sharp end of the needle projecting into the cylindrical barrel of the syringe body.

A basic requirement for establishing a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." (MPEP § 2143.) None of the references in the Examiner's proposed combination teach or suggest a liquid-prefilled pouch or a proximal sharp end of the needle projecting into the cylindrical barrel of the syringe body and, therefore, the Examiner's proposed combination of the Gray, Caselli and Crawford references cannot, as a matter of law, properly establish a *prima facie* case of obviousness. Withdrawal of the rejection of amended claim 1 is respectfully requested.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chen reference in view of the Gray reference. Claim 9 has been cancelled by this paper, thereby

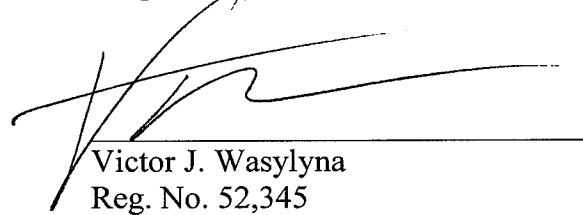
U.S. Ser. No. 10/540,609
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Amendment After Final

rendering the rejection of claim 9 moot.

Accordingly, it is submitted that the present patent application is in condition for allowance and formal notice thereof is respectfully requested.

The Commissioner is hereby authorized to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is further authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



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